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21.08.2023
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C.R.R.3123 of 2022

In Re: An application under Section 482 read with Section 401 of the
Code of Criminal Procedure;

Prosanna Sarkar
Versus
Surabhi Sinha (Sarkar) and another

Mr. Mahfuzus Salam Mollah.
...for the petitioner.

Petitioner has challenged the order of interim maintenance passed by the learned Judicial Magistrate, Additional Court, Lalbagh, Murshidabad wherein the learned trial court was pleased to award the interim maintenance of Rs.5,000/- per month to the wife and Rs.6,000/- per month to the minor son with a further direction for clearing the arrears in six equal instalments.

Learned advocate appearing for the petitioner submits that the petitioner has already lost his job.

The learned Magistrate while arriving at his finding based on the foundation that the petitioner happens to be an employee of the Department of Fisheries, Government of West Bengal. It is for the trial court to see whether the petitioner is employed or already has lost his job. Such materials (Photostat copies) which were relied upon before this Court was never before the learned trial court as has been submitted by the learned advocate appearing for the petitioner. The petitioner in course of evidence would be entitled to produce such documents to show his earning including the factum that he is not at present in the employment of Department of

Fisheries, Government of West Bengal. Learned trial court would consider the intrinsic value of the documents so placed by the petitioner and thereafter arrive at this finding at the end of the trial. If any application in the nature of Section 127 of the Code of Criminal Procedure is filed, learned Magistrate would also consider the same in accordance with law. Thus, for the present, this Court do not intend to interfere with the impugned order passed by the learned Judicial Magistrate, Additional Court, Lalbagh, Murshidabad

With the aforesaid observations, CRR 3123 of 2022 is disposed of.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)